



14 SEP 2006

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In re Application of :
FENDYA, Thomas J. *et al* :
U.S. Application No.: 09/890,355 :
PCT No.: PCT/US00/02071 :
Int. Filing Date: 31 January 2000 :
Priority Date: 29 January 1999 :
Attorney's Docket No.: 440490 :
For: SEPARATION DEVICES AND :
PROCESSES :

DECISION

This decision is in response to applicants' "Petition to Withdraw Notice of Abandonment Pursuant to 37 CFR § 1.181 . . ." filed on 19 October 2005. NO fee is required.

BACKGROUND

On 13 December 2004, a decision vacating the Office Action dated 09 July 2004 was mailed. The Office Action was vacated because it was based on the wrong international application and had no relation to the above-captioned application. The decision clarified that the subject application was based upon PCT/US00/02071, not PCT/US00/02701.

On 28 December 2004, the DO/EO/US mailed a corrected Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) indicating the above-captioned application was the national stage of PCT/US00/02071.

On 15 September 2005, a Notice of Abandonment was mailed for failing to respond to the Office Action dated 09 July 2004.

On 19 October 2005, applicants filed the subject petition requesting to withdraw the holding of abandonment.

DISCUSSION

Upon initial filing of the national stage application, applicants incorrectly identified the International Application No. as PCT/US00/02701.

The application was corrected as the national stage of PCT/US00/02071 by a

decision mailed 13 December 2004.

It was also noted that the Office Action dated 09 July 2004 was based upon the wrong PCT application and was vacated.

Nonetheless, a Notice of Abandonment was mailed for failing to respond to the Office Action dated 09 July 2004. This was sent in error.

CONCLUSION

Applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Notice of Abandonment mailed 15 September 2005 is hereby **VACATED**.

The application will be forwarded to the appropriate Technology Center for further processing and examination.



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